FRC,PROTECTIVE ORD,TERMINATED

U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE # 3:02−cv−00339−PA

Oregon Advocacy Center et al v. Mink et al
Assigned to: Judge Owen M. Panner
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 03/19/2002
Date Terminated: 05/15/2002
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Oregon Advocacy Center

represented by **Kathleen L. Wilde**
Disability Rights Oregon
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Metropolitan Public Defenders Incorporated

represented by **Kathleen L. Wilde**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

A.J. Madison

represented by **Kathleen L. Wilde**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Bobby Mink
Director of the Department of Human Services, in his official capacity

represented by **Katherine Greene Georges**
Oregon Department of Justice
Trial Division / Special Litigation Unit
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LEAD ATTORNEY
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Defendant

Stanley Mazur−Hart
Superintendent of Oregon State Hospital, in his official capacity

represented by **Katherine Greene Georges**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard D. Wasserman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/19/2002	1	Verified Complaint Filing Fee collected. Receipt #: 443045 issued. Filed by A.J. Madison, Metropolitan Public Defenders Incorporated, Oregon Advocacy Center against Stanley Mazur−Hart, Bobby Mink. (pvh,) (Entered: 03/19/2002)
03/19/2002	2	Motion for Temporary Restraining Order *and Preliminary Injunction*. Filed by all plaintiffs. (pvh,) (Entered: 03/19/2002)
03/19/2002	3	Memorandum in Support *of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction*. Filed by all plaintiffs. (Related document(s) 2) (pvh,) (Entered: 03/19/2002)
03/19/2002	4	Affidavit of *Notification*. Filed by all plaintiffs. (pvh,) (Entered: 03/19/2002)
03/19/2002	5	Discovery and Pretrial Scheduling Order and Notice of Case Assignment: Case assigned to the Honorable Garr M. King. Discovery to be completed by 7/18/2002. Joint Alternate Dispute Resolution Report due by 8/19/2002. Pretrial Order due by 8/19/2002. (pvh,) (Entered: 03/19/2002)
03/19/2002	6	**CIVIL MINUTES:**Record of Order setting hearing on plaintiff's motion for temporary restraining order for Friday, March 22,2002 at 10:00AM. ORDER that defendant's opposition papers be filed by March 21,2002 by NOON. Response due by 3/21/2002. Hearing set for 3/22/2002 at 10:00 AM. (Related documents(s) 2) Ordered by Judge Ancer L.Haggerty. (md,) (Entered: 03/20/2002)
03/21/2002	7	Memorandum in Opposition *to Plaintiff's Motion for Temporary Restraining Order*. Filed by Stanley Mazur−Hart, Bobby Mink. (Related motion(s) 2) (pvh,) (Entered: 03/22/2002)
03/21/2002	8	Affidavit of *Stanley Mazur−Hart, Ph.D.*. Filed by Stanley Mazur−Hart, Bobby Mink. (Related document(s) 7) (pvh,) (Entered: 03/22/2002)
03/21/2002	9	Reply Brief *in Support of Motion for Temporary Restraining Order*. Filed by A.J. Madison, Metropolitan Public Defenders Incorporated, Oregon Advocacy Center. (Related document(s) 2) (pvh,) (Entered: 03/22/2002)
03/22/2002	10	**CIVIL MINUTES:**Record of time set for hearing on Plaintiff's motion for temporary restraining order. After counsel for defendant stated that she had some concerns that one of the plaintiffs (Metropolitan Defenders Office) was a former employer of Judge Haggerty, Judge Haggerty recused himself from this hearing. ORDER resetting thehearing on plaintiff's motion for temporary restraining order (2) before Judge Owen Panner at 2:00PM, Monday, March 25,2002. (Related documents(s) 2) Ordered by Judge Ancer L.Haggerty. Counsel Present for Plaintiff: Kathy Wilde. Counsel Present for Defendant: Kathryn Georges. Court Reporter: Nancy Walker. (md,) (Entered: 03/22/2002)
03/22/2002	11	Affidavit of *Stanley Mazur−Hart, Ph.D.* Filed by Stanley Mazur−Hart. (pvh,) (Entered: 03/22/2002)
03/22/2002	12	Declaration of *Barry Engle*. Filed by Oregon Advocacy Center. (pvh,) (Entered: 04/01/2002)
03/25/2002	13	Supplemental Affidavit of *Leslie Martinez*. Filed by all defendants. (pvh,) (Entered: 04/01/2002)

03/25/2002	16	**CIVIL MINUTES:**Record of Hearing: Plaintiffs Motion for Temporary Restraining Order &Preliminary Injunction is Denied; Court Trial set for 4/8/2002 at 02:00PM in Portland. (Related documents(s) 2) Ordered by Judge Owen M. Panner. Court Reporter: Dennis Apodaca. (Kirk,) (Entered: 04/02/2002)
03/26/2002	17	Order Establishing Trial Date &Procedures. Signed 3/25/02 by Judge Owen M. Panner. (Kirk,) (Entered: 04/02/2002)
03/29/2002	14	Motion for Protective Order . *(Expedited Decision requested)*. Filed by all defendants. (pvh,) (Entered: 04/01/2002)
03/29/2002	18	**ORDER:**Record of Telephone Conference: Order Denying Defendants Motion for a Protective Order (Related Doc # 14) except as to the deposition of Dr. Steven Fritz. by Judge Owen M. Panner. (Kirk,) (Entered: 04/02/2002)
04/01/2002	15	Order Requiring the Release of Confidential Psychiatric Records &Information. Signed 4/1/02 by Judge James A. Redden. (Kirk,) (Entered: 04/01/2002)
04/01/2002	19	Motion for Order *Requiring the Release of Confidential Psychiatric Records &Information*. Filed by all plaintiffs. (Kirk,) (Entered: 04/02/2002)
04/03/2002	20	Answer to Complaint *&Affirmative Defenses* (Related Doc # 1). Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	21	Motion in limine. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	22	Trial Brief Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	23	Affidavit of *Leslie Martinez*. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	24	Affidavit of *John Keogh*. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	25	Affidavit of *Linda Brandeberry*. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	26	Witness List. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	27	Affidavit of *Stanley Mazur−Hart, PhD*. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/03/2002	28	Exhibit List. Filed by all defendants. (Kirk,) (Entered: 04/04/2002)
04/04/2002	29	Transcript of TRO Hearing held on 3/25/02 before Judge Owen M. Panner. Court Reporter: Dennis W. Apodaca. (Kirk,) (Entered: 04/05/2002)
04/05/2002	30	Response *to Issues Raised in Defendants Trial Brief*. Filed by all plaintiffs. (Related document(s) 22) (Kirk,) (Entered: 04/09/2002)
04/05/2002	31	Supplemental Exhibit List. Filed by all plaintiffs. (Kirk,) (Entered: 04/09/2002)
04/05/2002	32	Supplemental Witness Statement. Filed by all plaintiffs. (Kirk,) (Entered: 04/09/2002)
04/08/2002	33	Objection(s) *to Testimony of Plaintiffs Witnesses*. Filed by all defendants. (Kirk,) (Entered: 04/10/2002)
04/08/2002	34	Objection(s) *to Plaintiffs Exhibits*. Filed by all defendants. (Kirk,) (Entered: 04/10/2002)
04/08/2002	35	Defendants Proposed Findings of Fact &Conclusions of Law (Kirk,) (Entered: 04/10/2002)
04/08/2002	36	Motion for Protective Order. Filed by all defendants. (Kirk,) (Entered: 04/10/2002)
04/08/2002	37	**CIVIL MINUTES:** Record of first day of court trial: Evidence adduced; Findings &Conclusions to Follow. Defendants Motions in Limine are Denied. Plaintiffs &Defendants exhibits received. (Related documents(s) 21) Ordered by Judge Owen M. Panner. Court Reporter: Dennis Grube. (Kirk,) (Entered: 04/10/2002)
04/08/2002	38	Memorandum in Support *of Motion for Protective Order*. Filed by all defendants. (Related document(s) 36) (Kirk,) (Entered: 04/10/2002)

04/12/2002	39	Brief *Plaintiffs Post−Trial Brief*. Filed by all plaintiffs. (Kirk,) (Entered: 04/12/2002)
04/15/2002	42	Brief *Post−Trial Brief*. Filed by all defendants. (Kirk,) (Entered: 04/18/2002)
04/16/2002	40	Response *to Defendants Post−Trial Brief*. Filed by all plaintiffs. (Kirk,) (Entered: 04/16/2002)
04/17/2002	41	Notice of Case Reassignment by Judge Garr M. King: Case reassigned from Garr M. King to Owen M. Panner. (pvh,) (Entered: 04/17/2002)
04/17/2002	44	Response *to Plaintiffs Post−Trial Brief*. Filed by all defendants. (Kirk,) (Entered: 04/18/2002)
04/18/2002	43	Stipulated Protective Order: Signed 4/16/02 by Judge Owen M. Panner. (Kirk,) (Entered: 04/18/2002)
05/03/2002	45	Supplemental Brief *Supplemental Post−Trial Brief*. Filed by all defendants. (Kirk,) (Entered: 05/06/2002)
05/09/2002	46	Supplemental Brief *on the Issue of Remedy*. Filed by all plaintiffs. (Kirk,) (Entered: 05/13/2002)
05/10/2002	47	Findings of Fact &Conclusions of Law: Signed 5/9/02 by Judge Owen M.Panner. (See formal 14−Page document) (Kirk,) (Entered: 05/13/2002)
05/14/2002	48	Notice of Appeal to USCA from Findings of Fact &Conclusion of Law # 47 entered on 5/13/02 Filing fee collected. Receipt # 444144 issued.. Filed by all defendants. Transcript due by 7/15/2002. (Related document(s) 47) (Kirk,) (Entered: 05/15/2002)
05/14/2002	49	Motion for Stay *Judgment &Injunction Pending Appeal (Expedited Consideration Requested)*. Filed by all defendants. (Kirk,) (Entered: 05/15/2002)
05/14/2002	50	Memorandum in Support *of Motion for a Stay of Judgment &Injunction Pending Appeal*. Filed by all defendants. (Related document(s) 49) (Kirk,) (Entered: 05/15/2002)
05/15/2002	51	Judgment:Based on this court's findings of fact &conclusions of law, judgment is entered for Plaintiffs. This court retains continuing jurisdiction to enforce the injunction entered. Signed 5/15/02 by Judge Owen M. Panner. (See formal 2−Page Judgment) (Kirk,) (Entered: 05/16/2002)
05/15/2002	52	Motion for Attorney Fees *&Costs*. Filed by all plaintiffs. (Kirk,) (Entered: 05/16/2002)
05/15/2002	53	Memorandum in Support *of Motion for an Award of Fees*. Filed by all plaintiffs. (Related document(s) 52) (Kirk,) (Entered: 05/16/2002)
05/15/2002	54	Declaration of *Kathleeen L. Wilde in Support of Plaintiffs Motion for An Award of Attorneys Fees*. Filed by all plaintiffs. (Related document(s) 52) (Kirk,) (Entered: 05/16/2002)
05/15/2002	55	Response *to Plaintiffs Supplemental Brief on the Issue of Remedy*. Filed by all defendants. (Kirk,) (Entered: 05/16/2002)
05/16/2002	57	Memorandum in Opposition *to Defendants Motion for A Stay Pending Appeal (Document filed as a Brief)*. Filed by all plaintiffs. (Related motion(s) 49) (Kirk,) (Entered: 05/20/2002)
05/16/2002	58	Motion for Clarification *&Modify Injunction*. Filed by all defendants. (Kirk,) (Entered: 05/20/2002)
05/17/2002	56	Reply to Motion *in Support of Motion to Stay Judgment &Injunction Pending Appeal*. Filed by all defendants. (Related motion(s) 49) (Kirk,) (Entered: 05/20/2002)
05/17/2002	59	Memorandum in Opposition *to Defendants Motion to Clarify &Modify Injunction*. Filed by all plaintiffs. (Related motion(s) 58) (Kirk,) (Entered: 05/20/2002)

05/20/2002	60	Amended Reply *In Support Of Motion To Stay Judgment And Injunction Pending Appeal*. Filed by all defendants. (Related document(s) 49) (tomg,) (Entered: 05/22/2002)
05/20/2002	61	Supplemental Brief *In Support Of Motion To Stay*. Filed by all defendants. (Related document(s) 49) (tomg,) (Entered: 05/22/2002)
05/21/2002	62	Affidavit of *Stanley Mazur−Hart, PH.D. In Support of Defendants' Motion To Stay Judgment And Injunction Pending Appeal*. Filed by all defendants. (Related document(s) 49) (tomg,) (Entered: 05/22/2002)
05/23/2002	63	Supplemental Memorandum in Support *of Motion for an Award of Attorneys Fees*. Filed by all plaintiffs. (Related document(s) 52) (Kirk,) (Entered: 05/29/2002)
05/24/2002	64	Response to Discovery Motion *Response to Defendants Supplemental Briefs in Support of Motion for a Stay*. Filed by all plaintiffs. (Related motion(s) 49) (Kirk,) (Entered: 05/29/2002)
05/28/2002	65	**ORDER:**Order: Denying Defendants Motion for a Stay (Related Doc # 49 &Motion for Clarification (Related Doc # 58). (See formal 4−Page Order) Signed on 5/27/02 by Judge Owen M. Panner. (Kirk,) (Entered: 05/29/2002)
05/30/2002	66	Amended Notice of Appeal to USCA from the Judgment # 51 entered on 5/16/02. Filed by Bobby Mink. Transcript due by 7/29/2002. (Related document(s) 51) (Kirk,) (Entered: 06/03/2002)
06/03/2002		Notification of Amended Appeal mailed to USCA for the Ninth Circuit and to counsel along with copy of appealed document and docket sheet. (FRAP 3(d)((3)) USDC Notice of Appeal Doc. # 51 , 66 . (CADS included) (Related document(s) 51 , 66) (Kirk,) (Entered: 06/03/2002)
06/03/2002	67	Docket number 02−35530 assigned by the United States Court of Appeals. USDC Notice of Appeal Doc. # 48 .. (Related document(s) 48) (Kirk,) (Entered: 06/04/2002)
06/03/2002	68	Time Schedule Order from Ninth Circuit Court of Appeals: Appellant to file transcript order form by 6/13/02; Transcripts to be filed by 7/15/02; Appellants opening bried is due 8/30/02; Appellees brief is due 9/30/02. USDC Notice of Appeal Doc. # 48 and USCA #02−35530... Transcript due by 7/15/2002. (Related document(s) 48) (Kirk,) (Entered: 06/04/2002)
06/03/2002	69	Motion for Extension of Time *to Respond to Motions*. Filed by all plaintiffs. (Kirk,) (Entered: 06/10/2002)
06/03/2002	70	Memorandum in Opposition *Objections to Plaintiffs Motion for an Award of Fees*. Filed by all defendants. (Related motion(s) 52) (Kirk,) (Entered: 06/10/2002)
06/14/2002	71	Transcript Ordering form for Transcript(s) of Proceedings held on 4/8/02 &5/25/02.. Filed by all defendants. (Kirk,) (Entered: 06/21/2002)
06/24/2002	72	Docket number 02−35530 assigned by the United States Court of Appeals. USDC Amended Notice of Appeal Doc. # 66 .. (Related document(s) 66) (Kirk,) (Entered: 06/25/2002)
06/27/2002	73	Second Amended Notice of Appeal to USCA from order # 48 , 66 entered on 5/28/02. Filed by all defendants. Transcript due by 8/26/2002. (Related document(s) 48 , 66) (Kirk,) (Entered: 07/10/2002)
07/15/2002		Notification of Second Amended Notice of Appeal mailed to USCA for the Ninth Circuit and to counsel along with copy of appealed document and docket sheet. (FRAP 3(d)((3)) USDC Notice of Appeal Doc. # 66 , 73 , 48 .. (Related document(s) 66 , 73 , 48) (Kirk,) (Entered: 07/15/2002)
07/31/2002		Clerks Record on Appeal transmitted to USCA. USDC Notice of Appeal Doc. # 66 , 73 , 48 and USCA # 02−35530. 2 Original volumes of case file &1 transcript sent. (Related document(s) 66 , 73 , 48) (Kirk,) (Entered: 07/31/2002)
08/02/2002	74	Transcript of Proceedings held on 4/8/02 (Court Trial) before Judge Owen M. Panner. Court Reporter: Dennis R. Grube. (Kirk,) (Entered: 08/02/2002)

12/16/2002	75	Certificate of Record transmitted to USCA. USDC Notice of Appeal Doc. # 73 , 48 and USCA # 02−35550. (fh,) (Entered: 12/16/2002)
04/01/2003	76	Mandate from US Court of Appeals: The Decision of the District Court is AFFIRMED USDC Notice of Appeal Doc. # 66 , 48 and USCA # 02−35530. (fh,) (Entered: 04/16/2003)
05/14/2003		Clerks Record on Appeal(orig clerks file 2 vols., 1 transcript #29) returned from USCA. USDC Notice of Appeal Doc. # [], 66 , 48 and USCA # 02−35530.. . (fh,) (Entered: 05/14/2003)
05/29/2003	77	**ORDER:**Order: Granting Plaintiffs Motion for Attorney Fees (Related Doc # 52); Plaintiffs are awarded $53,062.50 in attorney fees &$600.86 in costs. Signed on 5/29/03 by Judge Owen M. Panner. (Kirk,) (Entered: 05/30/2003)
07/09/2003	78	Satisfaction of Judgment: $53,663.36 has been paid to plaintiffs. Filed by all plaintiffs. (Related document(s) 51) (Kirk,) (Entered: 07/11/2003)
08/01/2003	79	Order from Ninth Circuit Court of Appeals: Appellees unopposed motion for attorneys fees is granted. A certified copy of this order sent to the districtcourt shall serve to amend this courts mandate. USDC Notice of Appeal Doc. # 76 , 48 and USCA #02−35530.. . (fh,) (Entered: 08/06/2003)
08/15/2003	80	Satisfaction of Judgment: Attorneys fees in the amount of $31,252.50. Filed by all plaintiffs. (Related document(s) 51) (Kirk,) (Entered: 08/19/2003)
08/18/2003	81	**ORDER:**Record of Order: Mooting Motion for Extension of Time (Related Doc # 69) by Judge Owen M. Panner. (Kirk,) (Entered: 08/19/2003)